

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

SAMMY CLARK,)	
)	
Plaintiff,)	
vs.)	NO. CIV-14-0185-HE
)	
REECE LANE and STATE OF)	
OKLAHOMA,)	
)	
Defendants.)	

ORDER


Plaintiff Sammy Clark, a state pretrial detainee appearing *pro se* and *in forma pauperis*, filed this case asserting various violations of his constitutional rights. Plaintiff names Reece Lane, identified as the administrator of the Payne County jail, and the State of Oklahoma as defendants, and, although not identified in the case caption, alleges additional claims against Tony Osborne. Plaintiff asserts claims for violations of due process and equal protection, prosecutorial misconduct, discovery misconduct, tampering with evidence, “false statement” [sic], obstruction of justice, and “[his] civil rights being broken.” Consistent with 28 U.S.C. § 636(b)(1)(B), this matter was referred for initial proceedings to Magistrate Judge Shon T. Erwin. Judge Erwin has issued a Report and Recommendation recommending that plaintiff’s claims against the State of Oklahoma be dismissed with prejudice on the basis of Eleventh Amendment sovereign immunity, and that all other claims be dismissed without prejudice pursuant to Younger v. Harris, 401 U.S. 37 (1971), and for failure to state a claim for which relief can be granted. Additionally, Judge Erwin recommends that plaintiff’s two motions for appointment of counsel be dismissed as moot. Objections to the magistrate

judge's Report and Recommendation were due by July 3, 2014.

Plaintiff, having failed to object to the Report and Recommendation, has waived his right to review of the factual and legal issues it addressed. United States v. 2121 E. 30th St., 73 F.3d 1057, 1059 (10th Cir. 1996); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*” (emphasis added)). Accordingly, the Report and Recommendation [Doc. #15] is **ADOPTED**. Plaintiff's claims against the State of Oklahoma are **DISMISSED WITH PREJUDICE**, and all other claims are **DISMISSED** without prejudice. Plaintiff's motions for appointment of counsel [Doc. Nos. 5 & 12] are **STRICKEN AS MOOT**.

IT IS SO ORDERED.

Dated this 17th day of July, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE